

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re REFCO INC. SECURITIES LITIGATION	:	Case No. 07-MD-1902 (JSR)
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This document relates to:		
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KENNETH M. KRYS, <i>et al.</i> ,	:	Case No. 08-cv-3065 (JSR)
	:	Case No. 08-cv-3086 (JSR)
Plaintiffs,	:	
	:	
-against-	:	
	:	
CHRISTOPHER SUGRUE, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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Mason Simpson declares as follows:

1. I am a member of the law firm Brown Rudnick LLP, co-counsel, with Beus Gilbert PLLC, for plaintiffs Kenneth M. Kryes, *et al.* ("Plaintiffs") in the above-captioned action. I am admitted to practice before this Court. I respectfully submit this declaration in support of the SPhinX Plaintiffs' Response to Defendants' Joint Objection and to the THL Defendants' Separate Objection to the September 5, 2011 Report and Recommendation of the Special Master on the Omnibus Issue of the applicability of SLUSA.

2. Attached hereto as Exhibit A is a true and correct copy of the Consolidation Order in *In re Refco, Inc. Securities Litigation* dated December 20, 2005.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the Second Amended Consolidated Class Action Complaint dated December 3, 2007.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the Transcript of Hearing on Motions before the Honorable Robert D. Drain United States Bankruptcy Judge, dated January 30, 2008.

3. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2011



MASON SIMPSON